

REMARKS

Claims 14-16 and 29-30 have been rejected under 35 USC 103(a) as unpatentable over Donovan in view of Surdila; and Claim 31 has been rejected under 35 USC 103(a) as unpatentable over Donovan. The rejections are respectfully traversed.

The application deals with a network element and a method for providing and controlling a voice communication between two packet-based networks or two different domains of a packet-based network. Donovan, on the other hand, corresponds to the background of the invention as illustrated by Fig. 1 and the accompanying description, which addresses voice communication over a mixed network. The mixed network includes a public switched telephone network (switched network) and a packet based network, while the network structure of the present application does not include any switched communication links. This distinction is apparent when referring to the summary of Donovan which states that the virtual private network includes an internet protocol network and a public switched telephone network (PSTN). According to Donovan, the calls are transported across the IP network and the PSTN (see, col. 2, lines 32 through 34). Hence, the enterprise gateway 55 includes a signaling gateway 57 and a media gateway 59 (col. 3, lines 12 and 13). As known in the art, a media gateway is used to convert the media (i.e. voice data) from one format to another. This conversion leads to a loss of quality, and thus impairs voice transmission as is set forth in paragraph [0012] of the application. Additionally, the media gateways lead to increased hardware cost. The present invention aims to overcome the shortcomings Donovan.

Referring to paragraph 5 of the Office Action, the Examiner states that Donovan discloses the claimed invention, except for “the signaling transmission unit comprising further communication mechanisms for controlling the media transmission unit using the signaling data” but that Surdila discloses these features. With respect to claim 31, the Examiner states, in paragraph 11 of the Office Action, that Donovan does not disclose “converting the data format of the signaling data and converting the data format of the payload data are synchronized by a control system using the signaling data” but the Examiner takes Official Notice to this point. Applicants respectfully disagree.

The Examiner argues that the PSTN and the IP-network of Donovan are equivalent to the different domains of the communication network, as required by the claimed invention.

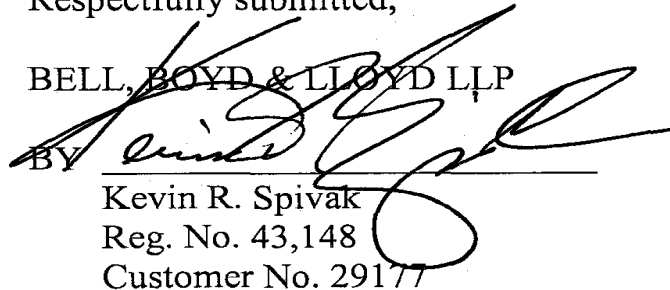
However, as commonly understood, a domain refers to different parts of a single network based on the same transmission technology. Thus, the skilled artisan would understand the claims as referring to domains of a single IP-network and not to a communication network combining a PSTN and an IP-network. To clarify this distinction, claims 14 and 31 have been amended. The term "IP/IP-gateway" requires that no part of the communication is carried out via a switched network, such as a PSTN. Similarly, the amendment to claim 31 clarifies this point. The Examiner is referred, for example, to paragraph [0016] of the instant specification, which provides support thereof. Additionally, the different domains within the communication networks are different domains within a (single) packet-switched network. To clarify this point, the term "packet-switched network" has been replaced with "IP-network."

Claims 17-19 and 24 have been rejected under 35 USC 103(a) as unpatentable over Donovan in view of Surdila, further in view of D'Souza; Claims 20-22 have been rejected under 35 USC 103(a) as unpatentable over Donovan, in view of Surdila, further in view of Aravamudhan; Claim 23 has been rejected under 35 USC 103(a) as unpatentable over Donovan, in view of Surdila and D'Souza, further in view of Aravamudhan; Claims 25-26 and 28 have been rejected under 35 USC 103(a) as unpatentable over Donovan, in view of Surdila, further in view of Li; Claim 27 has been rejected under 35 USC 103(a) as unpatentable over Donovan, in view of Surdila, further in view of McLampy. The rejections are respectfully traversed for at least the same reasons presented in the arguments above.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 119010-78.

Respectfully submitted,

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